

ED

# **Notice of Allowability**

Application No.

10/525,040

Examiner

Eric A. Gates

Applicant(s)

SHIBUI, YUTAKA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 18 February 2005.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/18/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER

## EXAMINER'S AMENDMENT

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Arthur Garrett on 20 July 2007.

The application has been amended as follows:

Claim 1. (Currently Amended) A method for controlling a tool selecting operation in a turret tool rest including a turret provided with a plurality of tool-mount portions at respective indexing angles in a circumferential direction, in which a rotating tool fitted to a certain tool-mount portion rotates in a passive manner in accordance with a turning indexing motion of said turret, said method comprising: selecting whether a phase of a rotating motion of said rotating tool, fitted to said tool-mount portion of said turret, is adjusted to be identical ~~[[in]]~~ each time said rotating tool is disposed at an indexed position; causing said turret to perform a turning indexing motion, when it is selected

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that said phase of said rotating motion of said rotating tool is adjusted to be identical, in such a manner that a cumulative sum of said turning indexing motion of said turret in a same turning direction is less than one rotation; and causing said turret to perform a turning indexing motion, when it is selected that said phase of said rotating motion of said rotating tool is not adjusted to be identical, in such a manner that an individual turning indexing motion of said turret is at most half a rotation in any turning direction.

Claim 5. (Currently Amended) A control device for carrying out a method for controlling a tool selecting operation as set forth ~~for~~ in claim 1, said control device comprising: an input section for allowing an instruction regarding whether the phase of the rotating motion of said rotating tool is matched with a specified phase at an instant when said rotating tool fitted to said certain tool-mount portion of said turret is disposed at the indexed position by the turning indexing motion of said turret; a drive control section for controlling said turning indexing motion of said turret; and a processing section for causing said drive control section to control said turning indexing motion in such a manner that, when it is instructed through said input section that the phase of the rotating motion of said rotating tool is matched, the cumulative sum of the turning indexing motion of said turret in the same turning direction becomes less than one rotation, and for causing said drive control section to control said turning indexing motion in such a manner that, when it is instructed through said input section that the phase of the rotating motion of said rotating tool is not matched, the individual turning indexing motion of said turret is at most half a rotation in any turning direction.

3. Claims 1-5 are allowed. Claim 1 is the independent claim.
4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent 6,865,789 to Katoh et al. Katoh et al. discloses a method for controlling a tool selecting operation in a turret tool rest 7 including a turret 10 provided with a plurality of tool-mount portions at respective indexing angles in a circumferential direction, in which a rotating tool 12 fitted to a certain tool-mount portion rotates in a passive manner in accordance with a turning indexing motion of said turret. Katoh et al. also discloses indexing means for indexably rotating the tool spindle at an indexed position corresponding to each cutting edge of the tool.

Suffice it to say, the patent to Katoh et al. does not disclose "selecting whether a phase of a rotating motion of said rotating tool, fitted to said tool-mount portion of said turret, is adjusted to be identical each time said rotating tool is disposed at an indexed position; causing said turret to perform a turning indexing motion, when it is selected that said phase of said rotating motion of said rotating tool is adjusted to be identical, in such a manner that a cumulative sum of said turning indexing motion of said turret in a same turning direction is less than one rotation; and causing said turret to perform a turning indexing motion, when it is selected that said phase of said rotating motion of said rotating tool is not adjusted to be identical, in such a manner that an individual turning indexing motion of said turret is at most half a rotation in any turning direction"

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as claimed in independent claim 1, and as such does not anticipate the instant invention as disclosed in independent claim 1.

Furthermore, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of xxx, and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG  
20 July 2007

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